

Article - Environment

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§4–705.

(a) The owner or operator of an underground oil storage tank eligible under § 4–704(b)(1)(ii) of this subtitle may apply to the Fund for reimbursement, until December 31, 2007, for usual, customary, and reasonable costs incurred on or after October 1, 2000 in performing site rehabilitation.

(b) Until June 30, 2021, the owner of a heating oil tank eligible under § 4–704(b)(1)(iii) of this subtitle may apply to the Fund for reimbursement no later than 6 months after the completion of rehabilitation for usual, customary, and reasonable costs incurred on or after October 1, 2000 in performing site rehabilitation.

(c) (1) Any reimbursement from the Fund for applications approved on or after July 1, 1996 is subject to:

(i) For owners or operators of six tanks or fewer, a deductible of \$7,500;

(ii) For owners or operators of more than 6 but not more than 15 tanks, a deductible of \$10,000;

(iii) For owners or operators of more than 15 but not more than 30 tanks, a deductible of \$15,000;

(iv) For owners or operators of more than 30 tanks, a deductible of \$20,000; and

(v) For residential owners of heating oil tanks, a deductible of \$500; and

(2) The maximum amount to be reimbursed from the Fund shall be:

(i) \$125,000 for underground oil storage tanks per occurrence; and

(ii) \$20,000 for heating oil tanks per occurrence.

(d) To be eligible for reimbursement from the Fund, an owner or operator shall:

(1) Certify that the discharge is not the result of a willful or deliberate act;

(2) Submit a corrective action plan, schedule, and cost estimate to the Department that shall include provisions for the environmentally sound treatment or disposal of contaminated soils that meet all federal and State requirements and standards; and

(3) Except for heating oil tanks, certify that the discharge is from a tank registered under § 4-411.1 of this title.

(e) If the owner or operator knowingly submits a false certification under subsection (d) of this section, that owner or operator is not eligible for reimbursement under this subtitle.

(f) Only expenses that are cost-effective, reasonable, and consistent with a corrective action plan approved by the Department may be eligible for reimbursement from the Fund.

(g) The cost for replacement or retrofitting of underground oil storage tanks or heating oil tanks and associated piping is not eligible for reimbursement, and the Department may not incur these costs or expend moneys from the Fund for these purposes.

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